

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

<b>RUTH SMITH, Individually and as Widow for the Use and Benefit of Herself and the Next of Kin of RICHARD SMITH, Deceased,</b>	)	
	)	
	)	<b>Case #: 3:05-00444</b>
	)	<b>Judge Trauger</b>
<b>Plaintiff,</b>	)	
	)	
<b>-against-</b>	)	
	)	
<b>PFIZER INC., PARKE-DAVIS,</b>	)	
<b>a division of Warner-Lambert Company</b>	)	
<b>and Warner-Lambert Company LLC,</b>	)	
<b>WARNER-LAMBERT COMPANY,</b>	)	
<b>WARNER-LAMBERT COMPANY LLC and</b>	)	
<b>JOHN DOE(S) 1-10,</b>	)	
	)	
<b>Defendants.</b>	)	

**DECLARATION OF KENNETH B. FROMSON, ESQ.  
IN OPPOSITION TO DEFENDANTS' MOTION *IN LIMINE*  
TO EXCLUDE THE TESTIMONY OF DR. CHARLES KING**

I, Kenneth B. Fromson, deposes and states as follows:

1. I am a partner with the law firm of Finkelstein & Partners, LLP, attorneys for the Plaintiff in this matter.
2. This declaration is submitted in opposition to Defendants' motion in limine to exclude the testimony of Plaintiff's expert Dr. Charles King.
3. Dr. King was provided with a hard drive which contained all of the documents that were produced by Defendants to Plaintiffs in the MDL. He was also provided with software to allow him to search the documents.
4. The following documents are attached hereto in opposition to Defendants' motion:

Exhibit A - Expert report of Dr. Charles King dated October 22, 2007

- Exhibit B - Declaration of Dr. Charles King Dated 4/27/2010
- Exhibit C - Printout from an Excel Spreadsheet created by Pfizer employee Nanci Mancini Dated April 9, 2002
- Exhibit D - Steidman, et al. "The Promotion of Gabapentin: An Analysis of Internal Industry Documents," *Annals of Internal Medicine*, August 16, 2006, 145(4)
- Exhibit E - Criminal Information in U.S. v. Warner Lambert, dated May 13, 2004
- Exhibit F - Excerpts from the July 20, 2009 pre-trial conference before Judge Patti B. Saris in *Bulger v. Pfizer Inc.*, U.S. District Court, District of Massachusetts
- Exhibit G - Pfizer\_MHauben\_000122 dated 3/15/2001, Proposal for post-marketing safety review
- Exhibit H - Excerpts of Dr. Charles King's trial testimony from *Shearer v. Pfizer Inc.*, in U. S. District Court, District of Massachusetts, before Judge Young
- Exhibit I - Excerpt from Day 2 of *Daubert* Hearing before Judge Patti B. Saris in Neurontin MDL, *In re Sales, Marketing Practices and Products Liability Litigation*, U.S. District Court, District of Massachusetts
- Exhibit J - Excerpts from the Deposition of Dr. King dated 10/28/2008

I declare under penalty of perjury that the foregoing is true and correct.

Dated: April 27, 2010

**/s/ Kenneth B. Fromson**

Kenneth B. Fromson  
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*Attorneys for Plaintiff Ruth Smith*

**CERTIFICATE OF SERVICE**

I hereby certify that on this the 27th day of April, 2010, I electronically filed the foregoing document with the Clerk of the Court, United States District Court for the Middle District of Tennessee, using the CM/ECF system. True and correct copies of the foregoing documents are being served via the Court's CM/ECF system on the following:

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**/s/ Kenneth B. Fromson**  
Kenneth B. Fromson